

REMARKS

This response is submitted in reply to the Office Action mailed on July 7, 2006. Claims 1-35 are pending in the patent application. Claims 12, 13, 14, 16, 17, 18, 19, 26, and 31 have been amended. Claims 1-11, 15, and 30 have been cancelled without prejudice or disclaimer. No new matter has been added by this response.

Claims 1, 2, 6, 10, 11, and 15 are rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 6,262,579 to Chazan ("*Chazan*"). Claims 1-11 and 15 have been cancelled. Therefore, Applicants submit that the rejection of claims 1, 2, 6, 10, 11 and 15 is now moot.

Claims 1, 3-8 and 30 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,866,949 to Ota et al. ("*Ota*"). Claims 1, 3-8 and 30 have been cancelled. Therefore, the rejection of claims 1, 3-8 and 30 is now moot.

Claims 1 and 6 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,905,769 to Komada et al. ("*Komada*"). Claims 1 and 6 have been cancelled as stated above. Therefore, the rejection of claims 1 and 6 is now moot.

Claims 1, 6, 9 and 30 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,573,652 to Graff et al. ("*Graff*"). Claims 1, 6, 9 and 30 have been cancelled. Therefore, the rejection of these claims is now moot.

Claims 1, 2, 9-11, 18, 30 and 31 are provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable for claims 1, 4, and 7-17 of co-pending patent application no. 11/166,773 ("the '773 application"). Applicants submit that claims 1, 2, 9-11, 18, 30 and 31 are not within the grounds of non-statutory obviousness-type double patenting in view of co-pending patent application no. 11/166,773 for the following reasons.

Claims 1-11 and 30 have been cancelled. Therefore Applicants will address this rejection with regard to claims 18 and 31. As stated in the office action, “a non-statutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinguished from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the referenced claims.” (See the Office Action, p. 3). Claims 18 and 31 are neither anticipated by nor obvious in view of claims 1, 4, 7-17 of the ‘773 application.

Claim 18 is directed to a gas barrier substrate having a base material, a gas barrier layer comprising a deposition film formed on the base material, and a planarization layer, having a cardo polymer, formed on the gas barrier layer where a stress releasing layer for releasing the stress applied on the base material is formed on the opposite surface where the gas barrier layer and the planarization layer are formed.

Claim 31 is directed to a display substrate comprising a transparent electrode layer formed on a gas barrier substrate, wherein the gas barrier substrate includes a base material, a gas barrier layer comprising a deposition film formed on the base material, and a planarization layer, having a cardo polymer, formed on the gas barrier layer.

In contrast, claim 1 of the ‘773 application is directed to a gas barrier film, including a base material film having a deflection temperature under load of 150° C. or above and at least a gas barrier layer and a smoothing layer in that order or a smoothing layer and a gas barrier layer in that order provided on the base material film. Claim 1 of the ‘773 application does not disclose or suggest a gas barrier substrate including a stress releasing layer for releasing the stress applied on the base material formed on the opposite surface where the gas barrier layer and the planarization layer are formed or a display substrate including a transparent electrode layer

on a gas barrier substrate as in claims 18 and 31, respectively. Therefore, Applicants submit that claim 1 of the '773 application does not anticipate or render obvious claims 18-31 of the present application.

Claim 4 of the '773 application further defines claim 1 where the smoothing layer includes a cardo polymer. Claim 4 does not remedy the deficiencies of claim 1 with respect to claims 18-31 of the present application. Accordingly, Applicants submit that claim 4 does not anticipate or render claims 18 and 31 obvious.

Claims 7-17 of the '773 application also do not anticipate or render claims 18 and 31 obvious. As stated above, claim 1 of the '773 application is directed to a gas barrier film including a base material film having a deflection temperature under load of 150° C. or above. The claims of the present application do not disclose or suggest such a limitation. Therefore, the scope of the '773 application is different than the scope of claims 18 and 31 of the present application. Because claims 7-17 directly or indirectly depend from claim 1, Applicants submit that claims 7-17 do not anticipate or render obvious claims 18 and 31 of the present application.

For at least these reasons, claims 18 and 31 are within the scope of allowable subject matter of the present application. Applicants therefore request that the rejection of claims 18 and 31 under the doctrine of non-statutory double patenting with regard to the '773 application be withdrawn.

Claims 12-14, 16-29 and 31-35 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Applicants have amended these claims as follows to place these claims in condition for allowance.

Claims 12-14, 16-19, 26 and 31 have been rewritten or amended to include the subject of claim 1. Accordingly, Applicants submit that claims 12-14, 16-19, 26 and 31 are patentably distinguished over the cited art and in condition for allowance.

Claims 21-25 depend from amended claim 19. Furthermore, claims 27-29 depend from amended claim 26 and claims 32-35 depend from amended claim 31. Therefore, these claims depend from allowable claims. Accordingly, Applicants submit that claims 21-25, 27-29 and 32-35 are each patentably distinguished over the cited art and in condition for allowance.

For all of these reasons it is submitted that the subject matter of the claims is patentable over the prior art of record. Favorable reconsideration is respectfully requested.

Respectfully Submitted,

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